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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,748	06/27/2003	Rickey L. Morgan	HES 2003-IP-010139U1	7194
28857	7590	09/26/2005	EXAMINER	
CRAIG W. RODDY HALLIBURTON ENERGY SERVICES P.O. BOX 1431 DUNCAN, OK 73536-0440			WALKER, ZAKIYA NICOLE	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/608,748

Applicant(s)

MORGAN ET AL.

Examiner

Zakiya N. Walker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-174, 176-178, 180-183 and 185-216 is/are pending in the application.
- 4a) Of the above claim(s) 91-174 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-38, 45-83, 90, 177, 182, 185, 196, 202-204, 208, 209, 211, 213 and 215 is/are allowed.
- 6) ☒ Claim(s) 39-44, 84-89, 176, 178, 180, 186-188, 190, 192, 195, 197, 205 and 206 is/are rejected.
- 7) ☒ Claim(s) 181, 183, 189, 191, 193, 194, 198, 199, 200, 201, 207, 210, 212, 214, and 216 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 180, 181, 200, 201, and 212 are objected to because of the following informalities:

Claim 180 as amended is identical in scope to claim 84, and should be canceled.

Claim 181 as amended is identical in scope to claim 46, and should be canceled.

Appropriate correction is required.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 207 (2<sup>nd</sup> occurrence) -212 have been renumbered 211-216.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 176, 178, 187, 188, 190, and 197 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,457,524 (US'524).

US'524 discloses a method that includes, with respect to claim 176, a method of reducing the fluid loss from a cement composition comprising adding to the cement composition a fluid loss control additive comprising an organic compound and iron chloride. With respect to claim 178, the reference discloses a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound, an iron compound, and a zeolite. With respect to claim 187, the reference discloses a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an iron salt. With respect to the depending claims, the reference teaches the limitations as claimed, including iron chloride and a zeolite.

5. Claims 176, 187, and 188 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,968,255 (US'255, cited by applicant).

US'255 discloses a method that includes, with respect to claim 176, a method of reducing the fluid loss from a cement composition comprising adding to the cement composition a fluid loss control additive comprising an organic compound and iron chloride. With respect to claim 187, the reference discloses a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an iron salt. With

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respect to the depending claim, the reference teaches the limitations as claimed, including iron chloride.

6. Claims 176, 186-188, 195, 205, and 206 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,939,536 (US'536).

US'536 discloses a method that includes, with respect to claim 176, a method of reducing the fluid loss from a cement composition comprising adding to the cement composition a fluid loss control additive comprising an organic compound and iron chloride. With respect to claim 186, the reference discloses a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an acrylamide copolymer derivative and iron chloride. With respect to claim 187, the reference discloses a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an iron salt. With respect to the depending claims, the reference teaches the limitations as claimed.

7. Claims 176, 186-188, 195, 205, and 206 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,181,568 (US'568).

US'568 discloses a method that includes, with respect to claim 176, a method of reducing the fluid loss from a cement composition comprising adding to the cement composition a fluid loss control additive comprising an organic compound and iron chloride. With respect to claim 186, the reference discloses a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an acrylamide copolymer derivative and iron

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chloride. With respect to claim 187, the reference discloses a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an iron salt. With respect to the depending claims, the reference teaches the limitations as claimed.

8. Claims 39-44, 84-89, 180, 187, 192, and 195 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,703,801 (US'801, cited by applicant).

US'801 discloses, with respect to claim 39, a method of cementing in a subterranean formation comprising the steps of: providing a cement composition comprising a hydraulic cement, water, and a fluid loss control additive, the fluid loss control additive comprising: an acrylamide copolymer derivative; an iron compound; and a dispersant', placing the cement composition into the subterranean formation; and permitting the cement composition to set therein. With respect to claims 84 and 180, the reference discloses a method of reducing the fluid loss from a cement composition, comprising the step of adding to the cement composition a fluid loss control additive comprising an acrylamide copolymer derivative; an iron compound; and a dispersant. With respect to claim 187, the reference discloses a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an iron salt. With respect to the depending claims, the reference teaches the limitations as claimed.

9. Claim 187 is rejected under 35 U.S.C. 102(b) as being anticipated by US 3,956,140 (US'140).

US'140 discloses a method that includes a method of reducing the fluid loss from a cement composition, comprising adding to the cement composition a fluid loss control additive comprising an organic compound and an iron salt. See particularly col. 2, lines 44-46, and claim 21.

### ***Allowable Subject Matter***

10. Claims 1-38, 45-83, 90, 177, 182, 185, 196, 202-204, 208, 209, 211, 213, and 215 are allowed.

11. Claims 183, 189, 191, 193, 194, 198, 199, 207, 210, 214, and 216 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

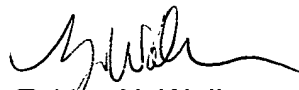
12. Applicant's arguments with respect to claims previously rejected have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Zakiya N. Walker  
Primary Examiner  
Art Unit 3676

ZW  
September 13, 2005